



Community Heat Pump Systems
Program Opportunity Notice (PON) 4614
Up to \$32.2 Million Available

NYSERDA reserves the right to extend and/or add funding to the Solicitation should other program funding sources become available.

Proposal Due Dates*: 3/9/2021 (Round 1); 5/18/2021 (Round 2); 8/17/2021 (Round 3); 11/16/2021 (Round 4); 2/1/2022 (Round 5); 6/13/2022 (Round 6); 8/16/2022 (Round 7); 2/8/2023 (Round 8); 5/10/2023 (Round 9); 9/14/2023 (Round 10)

***by 3:00 PM Eastern Time**

Program Summary

New York State law (the Climate Leadership and Community Protection Act) mandates the transition to a carbon-free electric grid by the year 2040, and to a carbon-neutral economy by the year 2050. To achieve this, it is expected that the on-site emission of carbon from buildings will need to be eliminated, generally by electrifying thermal activities such as comfort space heating and domestic hot water in combination with using power drawn from a carbon-free electric grid and/or power self-generated on-site via renewable technologies. The energy-efficient approach will be to electrify such heating via electric-driven heat pumps (as opposed to via electric resistance heating), and it will be important to advance techniques that minimize the cost of such transition. Based on a limited initial exploration, NYSERDA hypothesizes that there may exist certain highly-replicable use cases where the “community-style” heat pump configuration would clearly be lower cost to construct and operate as well as more efficient to operate than the default scenario of the “individual building” heat pump configuration, and this PON seeks to discover and ascertain such use cases.

A community-style heat pump system will use a network of pipes to share heating water among a cluster of buildings, where the cluster of buildings will use that heating water to produce comfort space heating of occupied spaces. The heating water could be centrally-produced as hot water via electric-driven heat pumps and used in the buildings via radiators for hydronic heating, or could be ambient-temperature water serving as a thermal source enabling electric-driven heat pumps located in each building. The heating water could perhaps also be used for production of domestic hot water, and a chilled water piping network could also be included to serve the comfort space cooling needs of the cluster of buildings.

A community (“community-style”) heat pump system is commonly referred to as a district (“district-style”) heat pump system or thermal energy network. For the purposes of this PON, the terms community heat pump system, district heat pump system, and thermal energy network are interchangeable, and all refer to a network of pipes that connect multiple buildings to each other and to thermal sources and sinks, irrespective of system owner and operator.

On July 5, 2022, the Utility Thermal Energy Networks and Jobs Act¹ was signed into law, that requires the seven largest utilities to submit to the Public Service Commission (PSC) for review and approval at least one and as many as five proposed thermal energy network pilot projects. Pursuant to the law, on September 15, 2022, the PSC issued an order (Case 22-M-0429) on developing utility thermal energy networks that directs the seven

¹ Utility Thermal Energy Networks and Jobs Act, S.9422/A.10493 (2022). <https://www.nysenate.gov/legislation/bills/2021/S9422>

utilities to submit pilot projects for PSC consideration. Utilities required to comply with the PSC order are ineligible to receive funds through this PON.

For the purposes of this PON and as further clarified in each category at section on project eligibility, a community includes but is not limited to any of the following features: small (a cluster of ten or more single-family houses) or medium (a college campus, a multifamily residential complex consisting of multiple buildings, an office or medical park, etc.) or large (an urban core consisting of one or numerous city blocks); buildings all owned by a single entity or buildings having unrelated owners; new construction or retrofit of existing facilities; a system owned/operated by a private entity or by a public entity or by a public-private partnership.

Under this PON, NYSERDA is seeking proposals to accelerate market capacity and adoption of community-style heat pumps serving customers in New York State. This PON will serve to help gain such insights specific to pricing, business models, and regulatory aspects particular to the various marketplaces throughout New York State, and sharing the information broadly across stakeholders so collectively we can all identify and do our part to reduce hurdles and grow the market.

NYSERDA is accepting proposals in the following categories:

Category	Total NYSERDA Funds Available in Round 10**	Maximum NYSERDA Funding Per Award	Total Project Cost Share
Category A: Site-Specific Scoping Study	REMOVED (effective October 2022)		
Category B: Site-Specific Design Study	\$1,500,000	\$500,000	very strongly preferred 50%
Category C: Site-Specific Implementation Project	\$4,000,000 Low- to Moderate-Income Projects only***	\$4,000,000 Low- to Moderate-Income Projects only***	very strongly preferred 50%
Category D: Market Studies/Best Practice Guidebooks	REMOVED (effective October 2022)		

***NYSERDA reserves the right to reallocate funds among categories and to close any given category while keeping remaining categories open. NYSERDA also reserves the right to fund proposals in Category B only, Category C only, or neither. Proposers seeking to start at Category B and then subsequently propose to Category C should recognize there is no guarantee the program will be open and/or have funds available for any subsequent category at a future point in time when they've completed work under one category and are positioned to propose to a subsequent category.*

****Projects must serve low- to moderate-income (LMI) residents. The total incentive will be prorated based on the percentage of conditioned space served by the thermal energy network that meets the definition of LMI housing. LMI housing serves residents with household incomes at or below 80% of State or Area Median Income.*

Proposal Submission: Online submission is preferable. Proposers may submit Word, Excel, or PDF files (file formats include: csv, doc, docx, gif, jpeg, jpg, pdf, png, ppt, pptx, pps, ppsx, tif, txt, xls, xlsx, and zip). Individual files should be 100MB or less in file size. Proposal PDFs should be searchable and should be created by direct conversion from MS Word, or other conversion utility. Files should not be scanned. For ease of identification, all electronic files must be named using the proposer's entity name in the title of the document. NYSERDA will also

accept proposals by mail or hand-delivery if online submission is not possible. For detailed instructions on how to submit a proposal (online or paper submission), click the link "[Application Instructions and Portal Training Guide \[PDF\]](https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx)" located in the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

No communication intended to influence this procurement is permitted except (for technical questions) by contacting Sue Dougherty (Designated Contact) at (518) 862-1090, ext. 3127 or by e-mail District.Thermal@nyserda.ny.gov or Donovan Gordon (Designated Contact) at (518) 862-1090, ext. 3119 or by e-mail District.Thermal@nyserda.ny.gov. If you have contractual questions concerning this solicitation, contact Nancy Marucci (Designated Contact) at (518) 862-1090, ext. 3335 or by e-mail Nancy.Solicitations@nyserda.ny.gov. Contacting anyone other than the Designated Contacts (either directly by the proposer or indirectly through a lobbyist or other person acting on the proposer's behalf) in an attempt to influence the procurement: (1) may result in a proposer being deemed a non-responsible offerer, and (2) may result in the proposer not being awarded a contract.

*** All proposals must be received by 3 p.m. Eastern Time on the dates noted above. Late, faxed, or emailed proposals will not be accepted.** Incomplete proposals may be subject to disqualification. It is the proposer's responsibility to ensure that all pages have been included in the proposal. Please note for online submission, there are required questions that you will have to answer in addition to uploading attachments and you should allot at least 60 minutes to enter/submit proposals. The online proposal system closes promptly at 3 p.m. Eastern Time, files in process or attempted edits or submission after 3 p.m. Eastern Time on the date above, will not be accepted. If changes are made to this solicitation, notification will be posted on the "Current Opportunities" section of NYSERDA's website (<https://www.nyserda.ny.gov/Funding-Opportunities/Current-Funding-Opportunities.aspx>).

How to compile and submit your proposal to CATEGORY B

Online submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For Category B of this solicitation, the NYSERDA Proposal Submission Portal is configured to receive uploads of five (5) distinct files that will constitute your proposal (each file should be 100MB or less in file size), as requested as follows:

File #1 Proposal Technical Content. Address all of these items in this file (15 pages maximum): **Executive Summary** (two page maximum); **Proposer Information** (three page maximum); **Project Description and Benefits** (three pages maximum); **Work Plan, Schedule, and Milestones** (five pages maximum); **Proposer Qualifications** (two pages maximum -- do not include resumes here). Save as a Word file or as a searchable PDF file (searchable PDF file should be created by direct conversion from MS Word, or other conversion utility, should not be scanned). Name the file using the following naming convention: "CompanyName_TechnicalContent"

File #2 Budget (complete all four of the tabs within Attachment E to this solicitation). Save as an Excel file (.xls or .xlm format). Name the file using the following naming convention: "CompanyName_Budget"

File #3 Appendix. Address all of these items in this file: Resumes, company qualifications, ancillary information that is deemed necessary to support your proposal, signed letters of support or commitment from Project team members signifying their participation in the proposed project and their commitment to providing any resources they will be responsible for, documentation of ownership/site control and/or permission of the property owner for proposed sites that will be the subject of the detailed design study, screen capture shot of map of Disadvantaged Communities overlaid on top of the project site, statement regarding the impact on and extent of engagement of Climate justice organizations/MWBEs/SDVOBs/formerly incarcerated/low- and moderate-income community members, and an analysis of Clean Thermal Energy Network structures that are centered around Climate Justice (i.e., community or co-operative generation, delivery, and ownership structures). Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_Appendix"

File #4 Proposal Questionnaire for Category B (this is available as Attachment B.3 to this solicitation). Save as an Excel file (.xls or .xlm format). Name the file using the following naming convention: "CompanyName_Questionnaire"

File #5 ***This item must be submitted otherwise the proposal shall be deemed non-responsive.***

Previously-completed Scoping Study report. Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_ScopingStudyReport". The requirements of Scoping Study report are defined in Attachment A1.

How to compile and submit your proposal to CATEGORY C

Online submission is preferable. NYSERDA will also accept proposals by mail or hand-delivery if online submission is not possible. For Category C of this solicitation, the NYSERDA Proposal Submission Portal is configured to receive uploads of eight (8) distinct files that will constitute your proposal (each file should be 100MB or less in file size), as requested as follows:

File #1 Proposal Technical Content. Address all of these items in this file (18 pages maximum): **Executive Summary** (two page maximum); **Proposer Information** (three page maximum); **Project Description and Benefits** (three pages maximum); **Work Plan, Data Management Plan, Schedule, and Milestones** (five pages maximum); **Proposer Qualifications** (two pages maximum -- do not include resumes here); **Plan For Workforce Development** (three pages maximum). Save as a Word file or as a searchable PDF file (searchable PDF file should be created by direct conversion from MS Word, or other conversion utility, should not be scanned). Name the file using the following naming convention: "CompanyName_TechnicalContent"

File #2 Budget (complete all four of the tabs within Attachment E to this solicitation). Save as an Excel file (.xls or .xlm format). Name the file using the following naming convention: "CompanyName_Budget"

File #3 Rationale for Amount of Funds Being Requested. Provide a discussion and calculations of the rationale for the amount of funds being requested.

File #4 Appendix. Address all of these items in this file: Resumes, company qualifications, ancillary information that is deemed necessary to support your proposal, signed letters of support or commitment from Project team members signifying their participation in the proposed project and their commitment to providing any resources they will be responsible for, documentation of ownership/site control and/or permission of the property owner for proposed sites that will be the subject of the implementation project, screen capture shot of map of Disadvantaged Communities overlaid on top of the project site, statement regarding the impact on and extent of engagement of Climate justice organizations/MWBEs/SDVOBs/formerly incarcerated/low- and moderate-income community members, and an analysis of Clean Thermal Energy Network structures that are centered around Climate Justice (i.e., community or co-operative generation, delivery, and ownership structures). Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_Appendix"

File #5 Proposal Questionnaire for Category C (this is available as Attachment C.3 to this solicitation). Save as an Excel file (.xls or .xlm format). Name the file using the following naming convention: "CompanyName_Questionnaire"

File #6 ***This item must be submitted otherwise the proposal shall be deemed non-responsive.***

Previously-completed Scoping Study report. Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_ScopingStudyReport". The requirements of Scoping Study report are defined in Attachment A1.

File #7 ***This item must be submitted otherwise the proposal shall be deemed non-responsive.***

Previously-completed Detailed Design report. Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_DetailedDesignReport"

File #8 Evidence of Financial Capability. Address all of these items in this file: Letter of credit or equivalent, statement of bondability from a surety. Save as a Word file or PDF file. Name the file using the following naming convention: "CompanyName_FinancialCapability"

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I. INTRODUCTION

The updated NYS Clean Heat Statewide Heat Pump Program Implementation Plan (the “Plan”) was filed with the NYS Public Service Commission under case 18-M-0084 on April 30, 2020. The Plan is a key element of the State’s clean energy pathway designed to support customers in transitioning to energy-efficient electrified space and water heating technologies. The Plan describes the initial steps that the investor-owned electric utilities will take, in conjunction with NYSERDA, to expand existing heat pump programs and, in other instances, establish new heat pump programs as part of the new statewide framework. It outlines the intended allocations of two significant budgets: approximately \$454 million to be administered via customer-focused incentive programs by the investor-owned electric utilities for deployment of heat pump systems that are designed and used for heating; and approximately \$230 million to be administered by NYSERDA for a portfolio of market development initiatives including but not limited to workforce development, exploration of cost-reduction strategies, and gathering of market insights regarding clean thermal community systems.

Under this PON, NYSERDA is seeking proposals to accelerate market capacity and adoption of community heat pump systems serving customers in New York State, with a preference for systems that serve Disadvantaged Communities and Affordable Housing. This PON has two types of funds, Clean Energy Fund monies (CEF, also referred to as System Benefits Charge monies – SBC), and monies from the Regional Greenhouse Gas Initiative (RGGI). CEF monies can only be awarded to projects that serve end-use customers who pay the SBC Surcharge on either a portion or on their entire electric bill at the thermal usage site (existing sites that can demonstrate they currently pay SBC, existing islanded sites that can demonstrate they will connect to the utility grid and will pay SBC, and new construction sites that can demonstrate they will pay SBC when they begin occupancy of the new building). RGGI monies can be awarded to projects serving any end-use customers located anywhere in New York State regardless of whether they pay SBC, however, NYSERDA has a preference to allocate RGGI funds to projects that primarily serve Affordable Housing end-use customers and/or projects that serve government-owned or government-occupied buildings. Housing is considered Affordable Housing if the building owner or developer has an executed agreement with the State’s housing agency, New York Homes and Community Renewal (HCR), through which HCR subsidizes the building’s construction, rehabilitation, and/or maintenance and operations costs; and if such housing is accessible via an application process whose eligibility is restricted to individuals or households whose income falls below 80% of State or Area Median Income. In New York City, the subsidy-providing housing agency may be New York City Housing Preservation and Development (HPD) or HCR. This PON will also serve to gain insights specific to pricing, business models, and regulatory aspects particular to the various marketplaces throughout New York State, and sharing the information broadly across stakeholders so collectively we can all identify and do our part to reduce hurdles and grow the market. To the extent practicable, NYSERDA prefers projects that can deliver high-quality learning as quickly as possible, with the inclusion of tangible benefits to Disadvantaged Communities and/or Affordable Housing. Similarly, NYSERDA is actively seeking to further workforce development in Disadvantaged Communities through community-style heat pump system projects.

A community-style heat pump system will use a network of pipes to share heating water among a cluster of buildings, where the cluster of buildings will use that heating water to produce comfort space heating of occupied spaces. The heating water could be centrally-produced as hot water via electric-driven heat pumps and used in the buildings via radiators for hydronic heating, or could be ambient-temperature water serving as a thermal source enabling electric-driven heat pumps located in each building. The heating water could perhaps also be used for production of domestic hot water, and a chilled water piping network could also be included to serve the comfort space cooling needs of the cluster of buildings.

For the purposes of this PON and as further clarified in each category at section on project eligibility, a community includes but is not limited to any of the following features: small (a cluster of ten or more single-family houses) or medium (a college campus, a multifamily residential complex consisting of multiple buildings, an office or medical park, etc.) or large (an urban core consisting of one or numerous city blocks); buildings all

owned by a single entity or buildings having unrelated owners; new construction or retrofit of existing facilities; a system owned/operated by a private entity or by a public entity or by a public-private partnership.

As noted in the Program Summary section, utilities required to comply with the PSC order (Case 22-M-0429) issued on September 15, 2022 are ineligible to apply for and receive funds through this PON effective with Round #8. A private or public entity may receive funds to design or construct a distinct component of a thermal energy network project, such as a ground loop heat exchanger, through this PON or a utility, but not both for the same component. This includes infrastructure that may eventually be connected to and supply thermal energy to a piping network that is owned and operated by a utility.

To assist interested parties in fostering business-to-business connections for teaming arrangements, as well as to foster customer-to-business explorations, NYSERDA has invited solution providers to opt-in to being identified on a list (the list is not an “eligible proposer” list – customers are free to team with solution providers who are not on the list – NYSERDA has not vetted the solution providers on the list and presence on the list does not constitute endorsement by NYSERDA – interested parties are strongly cautioned to perform their own due diligence). NYSERDA has updated the list several times and will periodically further update the list as NYSERDA continues to invite solution providers to opt-in to being identified on a list. The list is available at this NYSERDA webpage www.nyserdera.ny.gov/district-thermal-systems.

II. PROJECT CATEGORIES

This PON includes two project categories listed below. The proposer may submit a project proposal to either of the Project Categories based on the status of their project. If a project selected for award under Category B under any due date round is successfully completed, a proposal may be submitted to Category C under any subsequent due date. NYSERDA is aware that heat pumps have lower carbon footprints than fossil-fuel-fired heating systems; proposals should focus on the key question of why it is perceived that in this particular case a “district-style” heat pump might be better value proposition compared to an “individual-building-style” heat pump.

Category B: Site-Specific Design Study – See ***Attachment B*** for complete Program Requirements, Proposal Submission Requirements, and Evaluation Criteria

A site-specific design study is intended to refine a single preferred design that seems technically and economically feasible, and is intended to answer “how” questions (e.g., how best to construct this preferred design, how best to finance this preferred design, how to include considerations to support Disadvantaged Communities, etc.). NYSERDA’s maximum funding for any award under Category B is \$500,000. Proposer cost share at or above 50% of total project cost very strongly preferred.

Category C: Site-Specific Implementation Project - See ***Attachment C*** for complete Program Requirements, Proposal Submission Requirements, and Evaluation Criteria

The scope of work of the project proposed under this category must focus on the near-term deployment of electric-driven heat pumps in a community heat pump system design to pivot customers from fossil-fuel-fired space heating systems. The project must be shovel-ready and capable of proceeding promptly following notification of award. The project must include LMI housing. LMI housing serves residents with household incomes at or below 80% of State or Area Median Income. The project should also consider the impact on Disadvantaged Communities, including but not limited to, incorporating project-based workforce development activities as needed, hiring registered Minority-Owned and Women-Owned Business Enterprises (MWBEs), Service Disabled Veteran-Owned Businesses (SDVOBs), etc. NYSERDA’s maximum funding for any award under Category C is \$4,000,000. The total incentive will be prorated based on the percentage of conditioned

space that meets the definition of LMI housing. Proposer cost share at or above 50% of total project cost very strongly preferred.

III. PROPOSAL REQUIREMENTS

Detailed proposal requirements for each Project Category are set forth in the following Attachments to this PON:

Category B: Site-Specific Design Study - SEE ATTACHMENT B

Category C: Site-Specific Implementation Project – SEE ATTACHMENT C

Proposals should comply with and concisely present the Proposal Requirements set forth in the specific Project Category attachment, while also making sure the Evaluation Criteria listed in the specific attachment have been adequately addressed.

IV. EVALUTION CRITERIA

Proposals that meet the solicitation requirements will be reviewed by a Scoring Committee. Detailed evaluation criteria for each Project Category are set forth in the following Attachments to this PON:

Category B: Site-Specific Design Study - SEE ATTACHMENT B

Category C: Site-Specific Implementation Project – SEE ATTACHMENT C

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your proposal. Review should include whether it is critical for evaluating a proposal, and whether general, non-confidential information, may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary, and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 <https://www.nyserda.ny.gov/About/-/media/Files/About/Contact/NYSERDA-Regulations.ashx>. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division for Small Business
625 Broadway
Albany, NY 12207

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
625 Broadway
Albany, NY 12207

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain procurement lobbying requirements which can be found at <https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx> . Proposers are required to answer questions during proposal submission, which will include making required certification under the State Finance Law and to disclose any Prior Findings of Non-Responsibility (this includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years).

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a prospective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf> .

Referral to Other Programs - Several other NYSERDA and non-NYSERDA (e.g., Utility) programs may be of interest to the proposing team, especially if the proposed community-scale heat pump activities may be bundled with other clean energy measures. The full list of available NYSERDA programs can be found on NYSERDA's website. For convenience, a sample of potentially-applicable NYSERDA and non-NYSERDA programs is enumerated at Attachment F.

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. A contract may be awarded based on initial applications without discussion, or following limited discussion, or negotiations pertaining to the Statement of Work. Each proposal should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the applicable Sample Agreement to contract successful proposals. NYSERDA may at its discretion elect to extend and/or add funds to any project funded through this solicitation. NYSERDA reserves the right to limit any negotiations to exceptions to standard terms and conditions in the Sample Agreement to those specifically identified in the checklist questions. Proposers should keep in mind that acceptance of all standard terms and conditions will generally result in a more expedited contracting process. NYSERDA expects to notify proposers in approximately sixteen (16) weeks from the proposal due date whether your proposal has been selected to receive an award. Upon receipt of this notification, a proposer can request to schedule a debrief on the selection process and the strengths and weaknesses of its proposal by contacting Sue Dougherty at (518) 862-1090, ext. 3127 or by e-mail at District.Thermal@nyserda.ny.gov. NYSERDA may decline to contract with awardees that are delinquent with respect to any obligation under any previous or active NYSERDA agreement.

This is a competitive solicitation, and the credentials of the proposing team is a key evaluation criterion. If a proposal is selected for award, and if key elements of the project subsequently are changed (including but not limited to the proposing team being subsequently revised by replacement of strategic members), NYSERDA

reserves the right (at NYSERDA's sole discretion) to rescind the award and advise the reconstituted project/reconstituted team to re-propose at a subsequent due date and undergo competitive review where the re-awarding of a contract will not be a foregone conclusion.

Accessibility Requirements - Every awardee from this solicitation will produce a final report that NYSERDA will post to the web. NYSERDA requires contractors producing content intended to be posted to the Web to adhere to New York State's Accessibility Policy. This includes, but is not limited to, deliverables such as: documents (PDF, Microsoft Word, Microsoft Excel, etc.), audio (.mp3, .wav, etc.), video (.mp4, .mpg, .avi, etc.), graphics (.jpg, .png, etc.), web pages (.html, .aspx, etc.), and other multimedia and streaming media content. For more information, see [NYSERDA's Accessibility Requirements](#).

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a proposal, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all proposals received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest. NYSERDA reserves the right to reject proposals based on the nature and number of any exceptions taken to the standard terms and conditions of the Sample Agreement. NYSERDA reserves the right to disqualify proposers based upon the results of a background check into publicly available information or the presence of a material possibility of any reputational or legal risk in making of the award.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

Vendor Assurance of No Conflict of Interest or Detrimental Effect - The proposer shall disclose any existing or contemplated relationship with any other person or entity, including any known relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the proposer or former officers and employees of NYSERDA, in connection with proposer's rendering services as proposed. If a conflict does or might exist, please describe how your company would eliminate or prevent it. Indicate what procedures will be followed to detect, notify NYSERDA of, and resolve any such conflicts.

The proposer must disclose whether it, or any of its members, or, to the best of its knowledge, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a brief description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

Public Officers Law – For any resulting awards, the Contractor and its subcontractors shall not engage any person who is, or has been at any time, in the employ of the State to perform services in violation of the provisions of the New York Public Officers Law, other laws applicable to the service of State employees, and the rules, regulations, opinions, guidelines or policies promulgated or issued by the New York State Commission on Ethics and Lobbying in Government, or its predecessors (collectively, the "Ethics Requirements"). Proposers are reminded of the following Public Officers Law provision: contractors,

consultants, vendors, and subcontractors may hire former NYSERDA employees. However, as a general rule and in accordance with New York Public Officers Law, former employees of NYSERDA may neither appear nor practice before NYSERDA, nor receive compensation for services rendered on a matter before NYSERDA, for a period of two years following their separation from NYSERDA service. In addition, former NYSERDA employees are subject to a “lifetime bar” from appearing before any state agency or authority or receiving compensation for services regarding any transaction in which they personally participated, or which was under their active consideration during their tenure with NYSERDA.

Any awardee will be required to certify that all of its employees, as well as employees of any subcontractor, whose subcontract is valued at \$100,000 or more who are former employees of the State and who are assigned to perform services under the resulting contract, shall be assigned in accordance with all Ethics Requirements. During the term of any agreement, no person who is employed by the contractor or its subcontractors and who is disqualified from providing services under the contract pursuant to any Ethics Requirements may share in any net revenues of the contractor or its subcontractors derived from the contract. NYSERDA may request that contractors provide it with whatever information the State deems appropriate about each such person’s engagement, work cooperatively with the State to solicit advice from the New York State Commission on Ethics and Lobbying in Government, and, if deemed appropriate by the State, instruct any such person to seek the opinion of New York State Commission on Ethics and Lobbying in Government. NYSERDA shall have the right to withdraw or withhold approval of any subcontractor if utilizing such subcontractor for any work performed would be in conflict with any of the Ethics Requirements. NYSERDA shall have the right to terminate any contract at any time if any work performed is in conflict with any of the Ethics Requirements.

Due Diligence – NYSERDA, at its discretion, may conduct broad due diligence to validate any or all elements of an application and to assess applicants’ prospects of success, including gathering information to assess a proposal relative to any of the topics listed in evaluation criteria, whether or not such topic is explicitly addressed in a proposal. NYSERDA may conduct due diligence on some or all proposals based on NYSERDA’s current guidelines at the time of a review. NYSERDA staff may follow up with proposers to request additional information or clarification regarding applicant’s proposal, including questions regarding applicant’s business prospects and resources, whether or not those questions are specifically related to the elements of the proposal. Additionally, customized due diligence may be conducted by internal or external staff or contractors based on questions on any proposal raised by NYSERDA staff and/or the Scoring Committee. Due diligence may include (but is not limited to): interviews of independent references and background checks of team members; assessment of prior business experience of any team member associated with a proposal; research on intellectual property claims; customer and partner reference checks; market research on the applicants’ target market and any other related or possibly competitive technology or market area; research to validate any assumptions on current or future revenues, costs, capital needs, and financing prospects for proposers’ business, including similar (or unrelated) technologies, processes, or competitive solutions; or any other research that could reasonably inform the evaluation of a proposal, or the prospects for commercial success of the proposers’ business (whether directly related to, or unrelated to the specific elements in a proposal). Due diligence may include discussions with proposers’ former and current business partners, employees, investors, customers, and competitors. Due diligence may be conducted by NYSERDA personnel or contractors including members of the scoring committee, before, during, or after a scoring process, and prior to finalization of a contract award, any information gleaned in diligence may be used to score or re-score a proposal.

EO 16 Protocols – Pursuant to Executive Order No. 16 issued on March 17, 2022, all vendors responding to bids or contracting with New York State must certify, using the form provided as part of this solicitation, their status with regard to conducting business operations in Russia, and that any such business operations in Russia conducted on behalf of the vendor are determined to be permitted under any of the allowable exemptions. The term vendor is intended to encompass bidders prior to contract award, contractors who have

received a contract award, contract assignees, or contractors for whom an extension to an existing contract is being pursued. Exemption decisions are in NYSERDA's sole discretion and are final decisions. NYSERDA reserves the right to solicit additional materials or information regarding the responses or materials provided by a vendor.

Pursuant to Executive Order No. 16, all vendors will be vetted to ensure that they are not on the federal sanctions list at <https://sanctionsearch.ofac.treas.gov/>. There is no waiver or exemption process for vendors appearing on the federal sanctions list.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, vendors who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case sanctions are lifted during a solicitation, or after award in the case of some solicitations.

VI. Attachments:

Attachment A.1 Site-Specific Scoping Study Instructions

Attachment B - Category B: Site-Specific Design Study

Attachment B.1 Final Report for Category B Instructions part 1

Attachment B.2 Final Report for Category B Instructions part 2

Attachment B.3 Proposal Questionnaire for Category B

Attachment C - Category C: Site-Specific Implementation Project

Attachment C.1 Final Report for Category C Instructions part 1

Attachment C.2 Final Report for Category C Instructions part 2

Attachment C.3 Proposal Questionnaire for Category C

Attachment E - Detailed Budget Breakdown

Attachment F - Referral to Other Programs

Attachment G - Sample Agreement (for all Categories, including template statement of work)